

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM LANCASTER COUNTY  
Court of Common Pleas

Brian M. Gibbons, Circuit Court Judge

Case No. 2017-CP-29-01248  
Appellate Case No.: 2018-002272

Desa Ballard, as successor  
trustee of the Trust of Chris  
Combis,

Appellant,

v.

Diane Combis, Chris A.  
Combis, Redding Jones  
PLLC, Simon John O'Brien,  
and Kent D. Jones,

Defendants,

Of whom Redding Jones  
PLLC, Simon John O'Brien,  
and Kent D. Jones are

Respondents.

**RECEIVED**  
JUL 22 2019  
SC Court of Appeals

**MOTION TO ARGUE AGAINST PRECEDENT**

Pursuant to Rule 217, SCACR, Appellant Desa Ballard, as successor trustee of the Trust of Chris Combis (hereafter "Ballard"), moves this Honorable Court for permission to argue against precedent, to the extent existing precedent is inconsistent with the position advanced by Ballard on appeal in this matter. In support of this motion, Ballard would show:

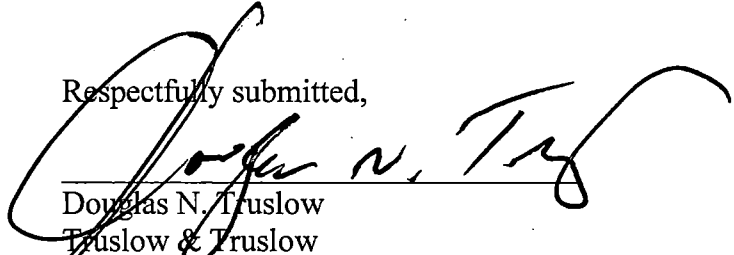
1. This is an appeal from an order of the circuit court which dismissed Ballard's claims against Respondent lawyers, who are attorneys who represent defendants Diane Combis (hereafter "Diane")

and Chris A. Combis (hereafter “Chris”) in an action for fraudulent conveyances. The case at the trial court level against Diane and Chris continues.

2. In her complaint, Ballard asserted that Respondent lawyers knowingly assisted Diane and Chris (and a third party, George Combis, who is the husband of Diane and the father of Chris) in transferring assets in an effort to avoid collection of a judgment that was then pending against George and Diane in the United State District Court for the District of South Carolina. (ROA 172).
3. The claim against Respondent lawyers was dismissed by Circuit Court Brian Gibbons on the basis of existing precedent, including Stiles v. Onorato, 318 S.C. 297, 457 S.E.2d 601 (1995) and related cases. As argued in Ballard’s brief, Stiles and related cases do not, in her opinion, support the conclusion of the trial judge.
4. However, to the extent that Stiles and related cases are, in fact, construed so as to prohibit a lawsuit against a lawyer for opposing party, when that lawyer knowingly and intentionally assists a client in hiding assets from a pending judgment, when the same law firm is defending against the pending judgment, Ballard seeks permission of this Court to argue against such precedent and to argue in support of a modification of existing law on that issue.
5. This issue has already been briefed in Ballard’s initial and reply briefs as permitted by Rule 217. However, for purposes of oral argument, Ballard seeks permission to address this issue during oral argument.
6. Ballard is informed and believes it is in the interests of justice and for the benefit of the bench and bar to allow this issue to be fully explored and addressed by this Honorable Court at the time of oral argument and for purposes of decision in this appeal.

Wherefore, to the extent necessary to fully address the issues on appeal, Ballard seeks an order of this Court allowing her counsel, the undersigned, to argue against what may be considered precedent on the issues in this appeal.

Respectfully submitted,



Douglas N. Truslow  
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July 20, 2019

ATTORNEY FOR APPELLANT

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM LANCASTER COUNTY  
Court of Common Pleas

Brian M. Gibbons, Circuit Court Judge

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Case No. 2017-CP-29-01248  
Appellate Case No.: 2018-002272

Desa Ballard, as successor  
trustee of the Trust of  
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v.

Diane Combis, Chris A. Combis,  
Redding Jones PLLC,  
Simon John O'Brien, and  
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Appellant,  
  
Defendants.

Of whom

Redding Jones PLLC, Simon John  
O'Brien and Kent D. Jones are

Respondents.

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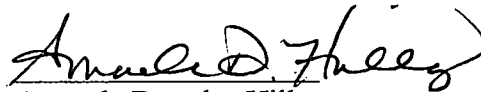
**PROOF OF SERVICE**

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I certify that I have served Appellant's **Motion to Argue Against Precedent** on Respondents Redding Jones PLLC, Simon John O'Brien and Kent D. Jones by depositing a copy of same in the United States Mail, postage prepaid on July 22, 2019 addressed to their attorney of record, Edward B. Davis, Esquire at 227 West Trade Street, Suite 1800, Charlotte, North Carolina 28202, on Defendant Diane

Combis at 8707 Lake Challis Lane, Charlotte, North Carolina 28226 and on Defendant Chris A. Combis at 2310 North Brevard Street, Charlotte, North Carolina 28206.

July 22, 2019

A handwritten signature in black ink, appearing to read "Amanda Douglas Hilley". The signature is written in a cursive style with a large initial "A" and a long, sweeping underline.

Amanda Douglas Hilley  
Paralegal for Truslow & Truslow

# Truslow & Truslow

Attorneys At Law

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Columbia, SC 29202

July 22, 2019

**RE:   Desa Ballard v. Diane Combis**  
**Appellate Case Number: 2018-002272**

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**JUL 22 2019**  
**SC Court of Appeals**

Via Hand Delivery

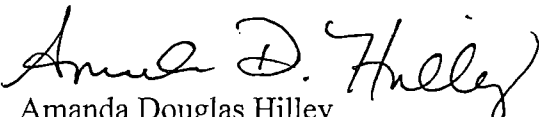
Honorable Jenny Abbott Kitchings  
Clerk of SC Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Dear Ms. Kitchings:

Please see the enclosed Appellant's Motion to Argue Against Precedent as well as the Proof of Service of same upon Respondents and Defendants Chris Combis and Diane Combis which is being hand delivered for filing.

Please clock same and return the clocked copies to the runner.

Sincerely,

  
Amanda Douglas Hilley

Paralegal for Truslow & Truslow

cc:   Desa Ballard, Esquire  
      Edward B. Davis, Esquire  
      Chris Combis  
      Diane Combis